

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 22-13626

ANNA LANGE,

Plaintiff-Appellee,

versus

HOUSTON COUNTY, GEORGIA, *et al.*,

Defendants-Appellants.

MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF
IN SUPPORT OF PLAINTIFF-APPELLEE AND AFFIRMANCE

Joshua A. Rosenthal
Public Rights Project
490 43rd Street, Unit #115
Oakland, CA 94609
josh@publicrightsproject.org
Counsel for Amicus Curiae

**CERTIFICATE OF INTERESTED PARTIES AND
CORPORATE DISCLOSURE STATEMENT**

Pursuant to Rule 26.1 of the Federal Rules of Appellate Procedure and 11th Cir. R. 26.1, 26.2-1, 26.1-3 and 28-1(b), the undersigned counsel of record for *Amici Curiae* hereby identifies the following interested persons:

- 1) Alabama, State of (Amicus Curiae for Defendants-Appellants);
- 2) Alaska, State of (Amicus Curiae for Defendants-Appellants);
- 3) Allen & Overy LLP (Counsel for Amicus Curiae Lawyers' Committee for Civil Rights Under Law);
- 4) Anti-Defamation League (Amicus Curiae for Plaintiff-Appellee);
- 5) Arkansas, State of (Amicus Curiae for Defendants-Appellants);
- 6) Arkles, Z. Gabriel (Counsel for Plaintiff-Appellee);
- 7) Association of American Physicians and Surgeons (Amicus Curiae for Defendants-Appellants);
- 8) Bailey, Andrew (Counsel for Amicus Curiae State of Missouri);
- 9) Barry, Kevin M. (Counsel for Plaintiff-Appellee);
- 10) Barton, III, Kenneth E. (Counsel for Plaintiff-Appellee);
- 11) Bingham, Joseph A. (Counsel for Amicus Curiae The Equal Voting Rights Institute d/b/a The American Civil Rights Project);
- 12) Bird, Brenna (Counsel for Amicus Curiae State of Iowa);

- 13) Bone, Michelle (Counsel for Amicus Curiae Lawyers' Committee for Civil Rights Under Law);
- 14) Bowdre, Alexander Barrett (Counsel for Amicus Curiae State of Alabama);
- 15) Brown, David (Counsel for Plaintiff-Appellee);
- 16) Burleigh, Billy (Amicus Curiae for Defendants-Appellants);
- 17) Calderon, Tvah R. (Counsel for Amicus Curiae United States Department of Justice);
- 18) Campbell, Jordan (Counsel for Amici Curiae Billy Burleigh, KathyGrace Duncan, and Jane Smith);
- 19) Campbell Miller Payne, PLLC (Counsel for Amici Curiae Billy Burleigh, KathyGrace Duncan, and Jane Smith);
- 20) Carr, Christopher M. (Counsel for Amicus Curiae State of Georgia);
- 21) Christian Employers Alliance (Amicus Curiae for Defendants Appellants);
- 22) Cincinnati, City of (Amicus Curiae for Plaintiff-Appellee);
- 23) Clarke, Kristen (Counsel for Amicus Curiae United States Department of Justice);
- 24) Cleveland, City of (Amicus Curiae for Plaintiff-Appellee);
- 25) Coglianese, Rich (Counsel for Amicus Curiae City of Columbus, Ohio);
- 26) Columbus, City of (Amicus Curiae for Plaintiff-Appellee);
- 27) Cooper, Barton & Cooper (Counsel for Plaintiff-Appellee);

- 28) Cooper, M. Devlin (Counsel for Plaintiff-Appellee);
- 29) Cuyahoga County (Amicus Curiae for Plaintiff-Appellee);
- 30) Deveney, William D. (Counsel for Defendants-Appellants);
- 31) Duncan, KathyGrace (Amicus Curiae for Defendants-Appellants);
- 32) Elarbee, Thompson, Sapp & Wilson, LLP (Counsel for Defendants Appellants);
- 33) Emch, Dale R. (Counsel for Amicus Curiae City of Toledo);
- 34) Equal Rights Advocates (Amicus Curiae for Plaintiff-Appellee);
- 35) Ethics and Public Policy Center (Amicus Curiae for Defendants Appellants);
- 36) Fata, Catherine Elizabeth (Counsel for Plaintiff-Appellee);
- 37) Fitch, Lynn (Counsel for Amicus Curiae State of Mississippi);
- 38) Florida, State of (Amicus Curiae for Defendants-Appellants);
- 39) Georgia, State of (Amicus Curiae for Defendants-Appellants);
- 40) Gignilliat, R. Read (Counsel for Defendants-Appellants);
- 41) Goers, Eric (Counsel for Amicus Curiae Iowa City, Iowa);
- 42) Grant, Jill K. (Counsel for Plaintiff-Appellee);
- 43) Greenbaum, Jon (Counsel for Amicus Curiae Lawyers' Committee for Civil Rights Under Law);
- 44) Griffin, Mark (Counsel for Amicus Curiae City of Cleveland);
- 45) Griffin, Tim (Counsel for Amicus Curiae State of Arkansas);

- 46) Hasson, Mary Rice (Counsel for Amicus Curiae Ethics and Public Policy Center);
- 47) Hilgers, Michael T. (Counsel for Amicus Curiae State of Nebraska);
- 48) Houston County, Georgia (Defendant-Appellant);
- 49) Idaho, State of (Amicus Curiae for Defendants-Appellants);
- 50) Indiana, State of (Amicus Curiae for Defendants-Appellants);
- 51) Iowa, State of (Amicus Curiae for Defendants-Appellants);
- 52) Iowa City (Amicus Curiae for Plaintiff-Appellee);
- 53) Jackley, Marty (Counsel for Amicus Curiae State of South Dakota);
- 54) Kansas, State of (Amicus Curiae for Defendants-Appellants);
- 55) Kieckhafer, Katherine (Counsel for Amicus Curiae Lawyers' Committee for Civil Rights Under Law);
- 56) Kniffen, Eric Nieuwenhuis (Counsel for Amicus Curiae Ethics and Public Policy Center);
- 57) Knudsen, Austin (Counsel for Amicus Curiae State of Montana);
- 58) Kobach, Kris W. (Counsel for Amicus Curiae State of Kansas);
- 59) Labrador, Raúl (Counsel for Amicus Curiae State of Idaho);
- 60) LaCour, Edmund G. Jr. (Counsel for Amicus Curiae State of Alabama);
- 61) Lail, Patrick L. (Counsel for Defendants-Appellants);
- 62) Lange, Anna (Plaintiff-Appellee);

- 63) Latino Justice PRLDEF (Amicus Curiae for Plaintiff-Appellee);
- 64) Lawyers' Committee for Civil Rights Under Law (Amicus Curiae for Plaintiff-Appellee);
- 65) Lee, Jason (Counsel for Amicus Curiae United States Department of Justice);
- 66) Louisiana, State of (Amicus Curiae for Defendants-Appellants);
- 67) Manoloff, Richard (Counsel for Amicus Curiae Cuyahoga County, Ohio);
- 68) Marshall, Steve (Counsel for Amicus Curiae State of Alabama);
- 69) Miller, Ronald (Counsel for Amici Curiae Billy Burleigh, KathyGrace Duncan, and Jane Smith);
- 70) Mills, Christopher (Counsel for Amicus Curiae Christian Employers Alliance);
- 71) Mississippi, State of (Amicus Curiae for Defendants-Appellants);
- 72) Missouri, State of (Amicus Curiae for Defendants-Appellants);
- 73) Mitrokostas, Nicholas K. (Counsel for Amicus Curiae Lawyers' Committee for Civil Rights Under Law);
- 74) Miyares, Jason S. (Counsel for Amicus Curiae Commonwealth of Virginia);
- 75) Montana, State of (Amicus Curiae for Defendants-Appellants);
- 76) Moody, Ashley (Counsel for Amicus Curiae State of Florida);

- 77) Morenoff, Daniel I. (Counsel for Amicus Curiae The Equal Voting Rights Institute d/b/a The American Civil Rights Project);
- 78) Morgan, Sharon P. (Counsel for Defendants-Appellants);
- 79) Morrissey, Patrick (Counsel for Amicus Curiae State of West Virginia);
- 80) Murrill, Liz (Counsel for Amicus Curiae State of Louisiana);
- 81) National Employment Law Project (Amicus Curiae for Plaintiff Appellee);
- 82) National Health Law Program (Amicus Curiae for Plaintiff Appellee);
- 83) National Women's Law Center (Amicus Curiae for Plaintiff Appellee);
- 84) Nebraska, State of (Amicus Curiae for Defendants-Appellants);
- 85) North Dakota, State of (Amicus Curiae for Defendants Appellants);
- 86) Ohio, State of (Amicus Curiae for Defendants-Appellants);
- 87) Paxton, Ken (Counsel for Amicus Curiae State of Texas);
- 88) Payne, Amanda M. (Counsel for Plaintiff-Appellee);
- 89) Payne, Joshua K. (Counsel for Amici Curiae Billy Burleigh, KathyGrace Duncan, and Jane Smith);
- 90) Petrany, Stephen J. (Counsel for Amicus Curiae State of Georgia);
- 91) Powell, Wesley (Counsel for Plaintiff-Appellee);
- 92) Quinnipiac Univ. School of Law Legal Clinic (Counsel for Plaintiff-Appellee);
- 93) Reyes, Sean D. (Counsel for Amicus Curiae State of Utah);

- 94) Rosenthal, Joshua A. (Counsel for Amici Curiae Local Governments);
- 95) Rokita, Theodore E. (Counsel for Amicus Curiae State of Indiana);
- 96) Schlafly, Andrew L. (Counsel for Amicus Curiae Association of American Physicians and Surgeons);
- 97) Sepulveda, Daniel (Counsel for Amici Curiae Billy Burleigh, Kathy Grace Duncan, and Jane Smith);
- 98) Skrmetti, Jonathan (Counsel for Amicus Curiae State of Tennessee);
- 99) Smart Woerner, Emily (Counsel for Amicus Curiae City of Cincinnati, Ohio);
- 100) Smith, Jane (Amicus Curiae for Defendants-Appellants);
- 101) Spero Law LLC (Counsel for Amicus Curiae Christian Employers Alliance);
- 102) South Carolina, State of (Amicus Curiae for Defendants Appellants);
- 103) South Dakota, State of (Amicus Curiae for Defendants Appellants);
- 104) Talton, Cullen in his official capacity as Sheriff (Defendant Appellant);
- 105) Taylor, Treg (Counsel for Amicus Curiae State of Alaska);
- 106) Tennessee, State of (Amicus Curiae for Defendants-Appellants);
- 107) Texas, State of (Amicus Curiae for Defendants-Appellants);
- 108) Toledo, City of (Amicus Curiae for Plaintiff-Appellee);
- 109) Transgender Legal Defense Education Fund, Inc. (Counsel for Plaintiff-Appellee);

- 110) Treadwell, Hon. Marc T. (United States District Court Judge);
- 111) United States Department of Justice (Amicus Curiae for Plaintiff Appellee);
- 112) Utah, State of (Amicus Curiae for Defendants-Appellants);
- 113) Virginia, Commonwealth of (Amicus Curiae for Defendants Appellants);
- 114) West Virginia, State of (Amicus Curiae for Defendants Appellants);
- 115) Whitaker, Henry C. (Counsel for Amicus Curiae State of Florida);
- 116) Wilkie Farr & Gallagher LLP (Counsel for Plaintiff-Appellee);
- 117) Wilson, Alan (Counsel for Amicus Curiae State of South Carolina);
- 118) Wrigley, Drew H. (Counsel for Amicus Curiae State of North Dakota);
- 119) Youker, Kathryn J. (Counsel for Amicus Curiae Lawyers' Committee for
Civil Rights Under Law);
- 120) Yost, Dave (Counsel for Amicus Curiae State of Ohio);
- 121) The American Civil Rights Project (Amicus Curiae for Defendants
Appellants); and
- 122) The Equal Voting Rights Institute d/b/a The American Civil Rights Project
(Amicus Curiae for Defendants-Appellants).

Amici Curiae are government entities that do not issue stock. Neither *Amici* nor their counsel are aware of any publicly traded corporation with an interest in this action.

This the 30th day of October, 2024

/s/ Joshua A. Rosenthal
Joshua A. Rosenthal

MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

Proposed *Amici Curiae* local governments¹ respectfully seek leave to file a brief in support of Plaintiff-Appellee and affirmance. *Amici* all provide health insurance plans that include coverage of gender-affirming care to their employees. Thus, *Amici* have experience relevant to the issues at hand and seek to offer their view that the District Court and Panel's decisions requiring equal treatment of transgender healthcare would not impose additional burdens on local governments. The brief discusses the range of jurisdictions that already offer such coverage, the minimal costs they incur, and the benefits of providing such coverage.

Our proposed amicus brief is attached. All parties consent to its filing.

Because no party opposes the filing of the brief and because proposed *amici* will offer useful perspective and information for this Court's consideration, proposed *amici* request that leave to file the attached brief be granted.

Respectfully submitted,

Joshua A. Rosenthal
PUBLIC RIGHTS PROJECT
490 43rd Street, Unit #115
Oakland, CA 94609
Tel: (510) 738-6788
josh@publicrightsproject.org

Dated: October 30, 2024

¹ A list of the local government signatories is attached as an appendix to the proposed brief.

ADDITIONAL COUNSEL

RICH COGLIANESE

City Attorney
77 North Front Street, 4th Floor
Columbus, OH 43215
Counsel for the City of Columbus, Ohio

DALE R. EMCH

Law Director
One Government Center, Ste. 2250
Toledo, OH 43604
Counsel for City of Toledo, Ohio

ERIC GOERS

City Attorney
410 E. Washington St
Iowa City, IA 52240
Counsel for Iowa City, Iowa

MARK D. GRIFFIN

Chief Legal Officer and Law Director
601 Lakeside Ave., Room 106
Cleveland, OH 44114
Counsel for the City of Cleveland, Ohio

RICHARD D. MANOLOFF

Director of Law
Cuyahoga County Department of Law
2079 East 9th Street, 7th Floor
Cleveland, OH 44115
Counsel for Cuyahoga County, Ohio

EMILY SMART WOERNER

City Solicitor
801 Plum Street, Room 214
Cincinnati, OH 45202
Counsel for City of Cincinnati, Ohio

CERTIFICATE OF SERVICE

I hereby certify that I have, this date, filed electronically the foregoing Motion for Leave to File Amici Curiae Support of Plaintiff-Appellee and Affirmance with the Clerk of this Court, and have served it upon counsel by filing it with the court's electronic-filing system. I have also delivered ten copies of this motion to Clerk of Court, U.S. Court of Appeals for the Eleventh Circuit, 56 Forsythe St. N.W., Atlanta, Georgia 30303.

This the 30th day of October, 2024

/s/ Joshua A. Rosenthal

Joshua A. Rosenthal

PUBLIC RIGHTS PROJECT

490 43rd Street, Unit #115

Oakland, CA 94609

(330) 607-0730

josh@publicrightsproject.org

Counsel for Amicus Curiae